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OFFICE OF PETITIONS

ON PETITION

In re Application of
Stiles et al.
Application No. 09/883,343
Filed: June 19, 2001
Attorney Docket No. C60007.1US

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 3, 2003, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the restriction requirement mailed September 3, 2002, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the above-identified application became abandoned on October 4, 2002. A Notice of Abandonment was mailed on April 11, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$985.00 extension of time fee submitted with the petition on September 3, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file is now being forwarded to Technology Center 1600 for further examination on the merits.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.


Wan Laymon

Petitions Examiner
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for Patent Examination Policy